

**Bassetlaw District Council**

**Licensing Committee**

**17 April 2024**

**Report of Council Solicitor**

**Draft Street Trading and Collection Policy  
Public Consultation Results**

Cabinet Member: Corporate & Financial  
Services  
Contact: Stella Bacon

**1. Public Interest Test**

1.1 The author of this report Stella Bacon has determined that the report is not confidential.

**2. Purpose of the Report**

2.1 To report to Members the outcome of the public consultation on the Draft Street Trading Policy and review if any changes need to be made before the Policy is referred to Full Council

**3. Background and Discussion**

3.1 Further to Committee approving the Draft Street Trading Policy at a meeting on 17 January 2024 a period of public consultation was opened from 6 February 2024 until 19 March 2024.

3.2 A copy of the consultation letter can be found at **Appendix A**. This letter was sent to 67 recipients whose contact details were held by the Licensing Department who were deemed to have an interest in the consultation this included:

- Any person who had have enquired about roadside catering and left relevant contact details
- VIA East Midlands
- A1 +
- BDC Environmental Health
- BDC Growth and Investment Team
- BDC Markets
- BDC Planning
- Highways England
- Department for Transport
- Ice Cream Alliance
- Parish/Town Councils
- Manfredis Ices
- Neil's Super Whippy

- Extreme Hospitality
  - National Trust
  - Welbeck Estate
  - Pubwatch – Worksop & Retford
  - Bassetlaw Business Forum
  - Bassetlaw BID
  - National Caterers Association
- 3.3 The consultation was also promoted across Bassetlaw District Councils Social Media Channels.
- 3.4 There were 7 responses to the consultation a summary of these can be found at **Appendix B**. Most relate to the mobile trading element of the policy.
- 3.5 One consultee noted the policy did not contain provisions as to Buskers selling their music and suggested conditions. This policy does not cover the activity of Busking but if a performer wanted to sell their CD's they would have to comply with the Street Trading requirements or obtain a Pedlar Licence from the relevant Policy
- 3.6 The comments made in respect of the statement of account for Street Collections Collections is not a matter which the Committee has discretion as this is prescribed by the Street Collection Regulations in pursuance of Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916, as amended by Section 251 and Schedule 29 to the Local Government Act 1972. The Council would need to seek to amend the regulations adopted across the Nottinghamshire area.
- 3.7 One of the representation discussed outdoor seating this is not considered street trading. The seating is covered by a Café Pavement Licence or agreement with the landowner for not a highway.
- 3.8 The following comments have been made about the areas where Street Trading is proposed to be prohibited
- 3.8.1 "Exchange Street (from the Junction with Exchange Street to the end of the pedestrianised zone)" the consultee believes this to be incorrect. Presumably this should be "Exchange Street (for the whole of its length – excluding the pedestrianised zone)"
- 3.8.2 The reference to "Churchgate (for the whole of its length)" is presumably incorrect. Chapelgate and Churchgate only meet at the narrowest point, at the north-eastern corner of Market Place. The final 20 to 30 metres of each form the pedestrianised area. As the draft policy states "Chapelgate (for the whole of its length – excluding the pedestrianised zone)", it should also presumably state: "Churchgate (for the whole of its length – excluding the pedestrianised zone)"
- 3.9 A number of environmental issues have been raised regarding the running of engines for long periods.
- 3.10 A copy of the current proposed draft policy is attached to this report at **Appendix C**.

#### 4. Implications

a) For service users

An Equality Impact Screening has been completed and there are no negative impacts to report.

b) Strategic & Policy

As this is a substantial policy it will be required to be approved at a meeting of the Full Council

c) Financial - Ref: 25-711

At this stage there are no financial implications from this report. If the policy is approved for implementation a new scheme of fees and charges will have to be approved by Licensing Committee who have delegated authority to set licensing fees and charges.

Fees will be set and reviewed annually on a full cost recovery basis.

The level of fees will take into account the administrative costs associated with the consideration of applications, the issue and administration of the Consent, and the costs associated with compliance checks carried out by the Licensing Authority to ensure that Traders operate in accordance with the conditions of their Consent.

d) Legal – Ref: 006/04/2024

If the draft policy proceeds to implementation a resolution of Full Council will be required to apply Schedule 4 Local Government (Miscellaneous Provisions) Act 1982 to the whole of the district and to rescind the previous resolution and to formally approve the Policy for implementation.

The matter would then be brought back to Licensing Committee to set the relevant Fees and Charges (Licensing Committee have delegated powers to set fees and charges for Licensable activities)

e) Human Resources

None

f) Community Safety, Equalities, Environmental

The purpose of regulating street trading and collection activities is to reduce/mitigate risk and protect the public and to specifically, protect the public from street trading activities being unsafe or being conducted in association with crime.

The application of the provisions of this draft trading policy would significantly promote only lawful trading and collections, from being authorised to operate in the District.

The environmental impact of street trading will be assessed, managed and mitigated through the application consultation procedure, involving all relevant and interested regulatory agencies, as described in the draft policy.

g) General Data Protection Regulations

None

h) Whether this is a key decision, and if so the reference number

1047

## **5. Options, Risks and Reasons for Recommendations**

5.1 To make revisions to the Draft Street Trading policy in light of comments made in the public consultation. This is dependent on what view Members take of the responses to the consultation.

5.3 Not to make any changes to the draft policy and refer to full council for final approval (in line with the Bassetlaw District Council Constitution). This is dependent on what view Members take of the responses to the consultation.

5.2 To reject the need for a Street Trading Policy and not progress this matter further. This would limit the options for trading in the district and not provide clarity to Officers when dealing with such applications.

## **6. Recommendations**

6.1 The members decide upon if any changes to the Draft Street Trading Policy need to be made

6.2 That the final agreed version of the policy be referred to the next meeting of Full Council for final approval

6.3 The Council Solicitor to draft a report to take before the meeting of Full Council to seek a resolution confirming that Schedule 4 Local Government (Miscellaneous Provisions) Act 1982 and designating streets as 'consent streets', 'licence streets' or 'prohibited streets'.

### **Background Papers**

Legislation

Consultation responses

Equality Impact Screening

### **Location**

Legal Department

Licensing Department